

REMARKS

Claims 15, 23, 34-36, 38-39, 45, and 56-61 are pending. Claims 1, 10, 12-14, and 88 are cancelled without prejudice. Claim 15 was amended to be in independent form including all of the limitations of the now cancelled base claim 1. Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

Allowable Subject Matter

Claims 23, 34-36, 38-39, 45, and 56-61 were allowed. Claim 15 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten to overcome the 35 USC §112, first paragraph, rejection and to include all of the features of the base claim and any intervening claims. Claim 15 was rewritten in independent form including all of the limitations of the previous base claim 1. There were no intervening claims. For the reasons provided below, the 35 USC §112, first paragraph, rejection of claim 15 should be withdrawn. Therefore, claim 15 and claims 23, 34-36, 38-39, 45, and 56-61 are allowable.

Claim Rejections – 35 USC § 112

Claims 1, 10, 12-15, and 88 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 10, 12-14, and 88 were cancelled rendering their respective rejections moot.

It was asserted that the features of claim 15 of "*using group scheduling software to determine an appointment schedule of the party to be called and modifying the one or more connection options based on the appointment schedule of the party to be called*" were not described in the specification. (Office Action, p. 2, lines 3-7; and p. 3, lines 1-5.) However, these features are described in the specification. The Federal Circuit has repeatedly held that "the specification must teach those skilled in the art how to make and use the full scope of the claimed invention without 'undue experimentation'." *In re Wright*, 999 F.2d 1557, 1561, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993). Nevertheless, not everything necessary to practice the invention need be disclosed. (MPEP §2164.08.)

The features "*using group scheduling software to determine an appointment schedule*" of an individual are fully enabled. A "patent applicant does not need to include in the specification that which is already known to and available to one of ordinary skill in the art" *Koito Mfg v. Turn-Key-Tech*, 381 F.3d 1142 (Fed. Cir. 2004)(Emphasis Applicant's). As admitted by the Examiner, "group scheduling software that can determine an appointment schedule of an individual of the group and display/share an individual's schedule to the rest of the group is well-known" (Office Action, page 4, lines 18-21) (Emphasis Applicant's).

The features of "*using group scheduling software to determine an appointment schedule of the party to be called and modifying the one or more connection options based on the appointment schedule of the party to be called*" is described in the specification. Pages 14-16 of the specification provide several examples of information gathering to display to the caller in the form of "a web page which contains connection options" of the party to be called. (p. 14, lines 9-10.) In one of the examples, "a user ... may have his connection options track his appointment schedule." (p. 15, lines 12-13.) In particular, "group scheduling software standard in the art may be used to modify the connection options throughout the enterprise." (p. 15, lines 13-15.) Therefore, the features of claim 15 of "*using group scheduling software to determine an appointment schedule of the party to be called and modifying the one or more connection options based on the appointment schedule of the party to be called*" are clearly described in the specification.

For the foregoing reasons, the specification fully enables claim 15. Use of language such as "it is also contemplated" and "may be used" does not in any way prevent the specification from teaching those skilled in the art how to make and use the claimed invention without undue experimentation. Therefore, Applicant respectfully requests withdrawal of the 35 USC §112 rejections of claims 1, 10, 12-15, and 88.

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Claim Rejections – 35 USC § 103

Claims 1, 10, 13, and 14 were rejected as obvious in view of the combination of US Pat No. 6,658,100 to Lund ("Lund"), US Pat No. 6,868,140 to Myers et al. ("Myers"), and U.S. Pat. No. 5,712,906 to Grady et al. ("Grady"). Claim 12 was rejected as obvious in view of the combination of Lund, Grady and US Pat. No. 6,865,681 to Nuutinen. Claim 88 was rejected as being unpatentable over Lund and Grady further in view of Myers. Claims 1, 10, 12, 13, 14, and 88 were cancelled rendering their rejections moot. Therefore, Applicant respectfully requests withdrawal of the 35 USC § 103 rejections of Claims 1, 10, 12, 13, 14, and 88.

The present pending claims of this application are allowable and Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Hussey", with a long horizontal flourish extending to the right.

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